

U.S. Department of Justice



*United States Attorney's Office
District of Delaware*

*The Nemours Building (302) 573-6277 x 156
1007 Orange Street, Suite 700 FAX (302) 573-6220
P.O. Box 2046 TTY (302) 573- 6274
Wilmington, Delaware 19899-2046 Toll Free (888) 293-8162
Patricia.Hannigan@usdoj.gov*

December 4, 2007

VIA CM/ECF

Honorable Leonard P. Stark
Magistrate Judge
J. Caleb Boggs Federal Bldg
844 N. King Street, Room 2325
Lockbox 26
Wilmington, DE 19801

**RE: United States v. M.A. Hanna Plastics Groups, Inc., et al.
Civil Action No. 06-409-GMS**

Dear Magistrate-Judge Stark:

Pursuant to the Court's Order of November 14, 2007, enclosed please find a list of all individuals who expect to attend the mediation conference in the referenced case on December 18, 2007, on behalf of the United States.

As Your Honor knows, the Government requires many layers of settlement approval in a case such as this. Among other things, any proposed Consent Decree that the parties may enter into would have to be published in the Federal Register for a period of public comment before the settlement could be finalized. Accordingly, we request a modification of the Court's requirement that the mediation be attended by "the party/parties and/or decision maker(s) of the parties, who must have full authority to act on behalf of the parties, including the authority to negotiate a resolution of the matter and to respond to developments during the mediation process." As Your Honor can see from the enclosed list, in addition to the four individuals who expect to attend in person, several layers of Government decision makers will be available by telephone during the mediation. We ask that the Court consider this adequate representation of the Government for purposes of the mediation.

I am, of course, available if Your Honor has questions or comments. We look forward to meeting with the Court on December 18, and we appreciate Your Honor's availability to assist the parties in their efforts to find common ground.

Respectfully,

COLM F. CONNOLLY
United States Attorney

By: /s/Patricia C. Hannigan
Patricia C. Hannigan
Assistant United States Attorney

PCH:md
Enclosure

cc: Robert W. Whetzel, Esquire/VIA CM/ECF
Michael W. Arrington, Esquire/VIA CM/ECF
Todd Anthony Coomes, Esquire/VIA CM/ECF
John Anthony Macconi, Jr, Esquire/VIA CM/ECF
Lila T. Wynne, Esquire/VIA CM/ECF
Andrew Goldman, Esquire/VIA First Class Mail
Nancy Flickinger, Trial Attorney/VIA First Class Mail

Persons participating in the December 18, 2007 mediation conference on behalf of Plaintiff United States are:

In Person

1. Patricia Hannigan, Esquire
Assistant United States Attorney
1007 Orange Street
Suite 700
Wilmington, DE 19899-2046
Work: (302) 573-6277
Email: patricia.hannigan@usdoj.gov

Ms. Hannigan is the lead attorney for the United States in this matter.

2. Andrew S. Goldman (3RC41)
Sr. Assistant Regional Counsel
U.S. Environmental Protection Agency–Region 3
1650 Arch Street
Philadelphia, PA 19103
Work: (215) 814-2487
Email: goldman.andrew@epa.gov

Mr. Goldman is the EPA attorney assigned to this matter.

3. Mike Welsh (3HS61)
Risk Management Program Coordinator
Oil and Prevention Branch
Office of Enforcement
Hazardous Site Cleanup Division
U.S. Environmental Protection Agency–Region 3
(215) 814-3285

Mr. Welsh is substituting for the Cost Recovery Branch staff level employee assigned to this matter.

4. Laura Janson (3HS62)
Chief, Cost Recovery Branch
Office of Enforcement
Hazardous Site Cleanup Division
U.S. Environmental Protection Agency–Region 3
(215) 814-3145

Ms. Janson is a first-line supervisor responsible for recovering EPA's response costs.

Via Telephone As Needed

5. Jim Williams (3HS62)
Civil Investigator
Cost Recovery Branch
Office of Enforcement
Hazardous Site Cleanup Division
U.S. Environmental Protection Agency–Region 3
1650 Arch Street
Philadelphia, PA 19103
(215) 814-3176

Mr. Williams has knowledge regarding the transactions upon which the United States bases its allegation that defendant M.A. Hanna Plastics Group, Inc. is a corporate successor to the Electric Hose and Rubber Company.

6. Leo Mullin (3HS62)
Cost Recovery Expert
Cost Recovery Branch
Office of Enforcement
Hazardous Site Cleanup Division
U.S. Environmental Protection Agency–Region 3
1650 Arch Street
Philadelphia, PA 19103
(215) 814-3172

Mr. Mullin has knowledge regarding defendant WEDCO's finances.

7. Karen Melvin (3HS60)
Associate Director
Office of Enforcement
Hazardous Site Cleanup Division
U.S. Environmental Protection Agency–Region 3
1650 Arch Street
Philadelphia, PA 19103
(215) 814-3275

Ms. Melvin is a second-line supervisor in the office responsible for Superfund enforcement matters and can respond on behalf of EPA to settlement offers outside the parameters established in Section VI (Settlement Proposal) of this Memorandum.

8. Nancy Flickinger
Trial Attorney
United States Department of Justice
Land and Natural Resources Division
Environmental Enforcement Section
U.S. Department of Justice
601 D Street, N.W.
Washington, D.C. 20004
Work: (202) 514-5258
Email: nflickin@enrd.usdoj.gov

Ms. Flickinger is a trial attorney within the Department of Justice, Environment and Natural Resources Division, who can respond to settlement offers on behalf of the Department of Justice to settlement offers outside the parameters established in Section VI (Settlement Proposal) of this Memorandum.